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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

March 24, 2000

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96-98/

Magalie R. Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
Portals II  
445 Twelfth Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

**RE: Pennsylvania Public Utility Commission's Reply Comments to Comments  
Submitted by United States Telecom Association and AT&T CORP., Docket No.**

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and six copies of the Pennsylvania Public Utility Commission's Reply Comments to Comments Submitted by United States Telecom Association and AT&T CORP. Kindly stamp one copy and return it to us in the enclosed stamped, self-addressed envelope.

Sincerely,

*Deanne M. Brutts*

Deanne M. Brutts  
Assistant Counsel

Enclosure

cc: per certificate of service

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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**MAR 29 2000**

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|   |   |                       |
|---|---|-----------------------|
| In the Matter of                        | ) |                       |
|   | ) |                       |
| Petition for Declaratory Ruling and     | ) |                       |
| Request for Expedited Action on         | ) | NSD File No. L-99-101 |
| July 15, 1997 Order of the Pennsylvania | ) |                       |
| Public Utility Commission Regarding     | ) |                       |
| Area Codes 412, 610, 215 and 717        | ) | DA 00-281             |
|   | ) |                       |
| Implementation of the Local Competition | ) |                       |
| Provisions of the Telecommunications    | ) | CC Docket No. 96-98   |
| Act of 1996                             | ) |                       |
|   | ) |                       |

**REPLY COMMENTS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (PaPUC) hereby files these comments in reply to comments filed by the United States Telecomm Association (USTA) and AT&T CORP. (AT&T) to the PaPUC's Petition for Delegation of Additional Authority to Implement Various Number Conservation Methods (Petition). In this reply, the PaPUC seeks to address certain comments submitted by USTA and AT&T. For the reasons set forth below, the PaPUC urges the FCC to dismiss the opposing comments of USTA and AT&T to the PaPUC's Petition, and continues to urge the FCC to grant the PaPUC's Petition in its entirety.

In its comments, USTA submits that the PaPUC's request to maintain rationing measures for six months after implementation of relief plans is imprecise and vague. AT&T comments that the rationing power should be refused to Pennsylvania since the FCC has not granted similar authority to other state commissions except California.

The PaPUC maintains that the authority to impose rationing measures before or after implementation of area code relief plans is critical to ensuring that NXX codes are available to all telecommunications providers during the time that an area code is declared in jeopardy until full exhaust. Pennsylvania has too often watched NXX codes become depleted from existing area codes prior to implementation of area code relief which has caused carriers to be without central office codes for months.

For example, in October 1998, a wireless company petitioned the PaPUC requesting two NXX codes during the implementation period of new area codes in southeastern Pennsylvania because NXX codes had exhausted in the original area code. The wireless carrier specifically requested NXX codes originally placed on the "reserved" list by the code administrator since no other NXX codes were available. The request by the wireless company was submitted almost nine months prior to NXX codes being available from the new overlay code. Similarly, in February 1999, the telecommunication industry approached the PaPUC requesting that the PaPUC file a waiver with the FCC so as to permit the assignment of new entrants' NXX codes to existing carriers because all available NXX codes had exhausted during the implementation phase of the new area code. These are just two examples of instances where rationing subsequent to implementation of area code relief was necessary.

Based on its historic experience, the PaPUC submits that authority to ration is vital to Pennsylvania. With this authority, the PaPUC can ensure that all telecommunications providers have access to needed NXX codes within a specific area code until additional NXX codes are available from newly implemented area codes.

Further, the PaPUC submits that the industry has agreed to rationing measures in some, but not all, of the area codes in jeopardy in Pennsylvania. According to the NANPA 1999

Activity and Quality Report<sup>1</sup>, the industry has agreed to rationing NXX codes in two out of the four codes presently in jeopardy in Pennsylvania. Again, the PaPUC submits that this scenario begs for state authority for rationing measures so that all telecommunications providers have access to needed NXX codes within a specific area code until additional NXX codes are available from newly implemented area codes.

Finally, USTA's submits in its comments on the PaPUC's request for rationing authority that proposed relief plans can be implemented quickly in Pennsylvania which thus makes NXX codes available to all telecommunications providers. The PaPUC wishes to remind the FCC that in the four area codes presently in jeopardy in Pennsylvania it is the industry, not the state regulatory body, that has set the schedule for implementation of area code relief. In western Pennsylvania, the industry has set the implementation schedule for 19 months with a new overlay code implemented in July 2001. In southeastern Pennsylvania, the industry has set the implementation schedule for 12 months with two new overlay codes fully implemented in April 2001. The PaPUC disagrees that these industry-imposed implementation schedules can be characterized as quick.

For the reasons set forth above, the PaPUC urges the FCC to dismiss the comments of USTA and AT&T and grant the PaPUC's Petition in its entirety. Moreover, the PaPUC urges the FCC to grant rationing authority to Pennsylvania immediately since four area codes within

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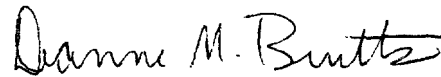
<sup>1</sup> The report details the status of active and pending area code relief projects and is located at NANPA's website <http://www.nanpa.com>.

the Commonwealth presently are in jeopardy with no new area codes to be fully implemented until at least April 2001.

Respectfully submitted,

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

By its counsel:

A handwritten signature in black ink, appearing to read "Lois Burns".

Lois Burns  
Assistant Counsel

Deanne M. Brutts  
Assistant Counsel

Frank B Wilmarth  
Deputy Chief Counsel

Bohdan R. Pankiw  
Chief Counsel

Dated: March 24, 2000

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
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| Act of 1996                             | ) |                       |

**CERTIFICATE OF SERVICE**

I, Deanne M. Brutts, hereby certify that I have on this 24th day of March, 2000, served an original and six true and correct copies of the Petition of the Pennsylvania Public Utility Commission for Additional Delegated Authority to Implement Number Conservation Measures upon the Secretary of the Federal Communications Commission by Overnight United Parcel Service and that I have served a true and correct copy of the Petition upon the other persons listed below by first class mail.

**Via First Class Mail:**

Al McCloud  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street, NW  
Washington, DC 20554

International Transcription Service  
1231 20th Street, NW  
Washington DC 20036

James H. Bolin, Jr.  
AT&T Corp.  
295 North Maple Avenue, Room 1130M1  
Basking Ridge, NJ 07920

Rob Hoggarth, Senior Vice President  
PCIA  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314

Representative Keith R. McCall  
PA State Representative 122<sup>nd</sup> Legislative  
District  
313 South Office Building  
Harrisburg, PA 17120

Phillip F. McClelland  
Office of Consumer Advocate  
555 Walnut Street  
Harrisburg, PA 17101

Gary A. Evenson, Assistant Administrator  
Telecommunications Division Public Service  
Commission of Wisconsin  
610 N. Whitney Way  
P.O. Box 7845  
Madison, WI 53707-7845

Lawrence E. Sarjeant  
United States Telecom Association  
1401 H Street, N.W.  
Suite 600  
Washington, D.C. 20005

Trina Bragdon, Esquire  
Maine Public Utility Commission  
242 State Street  
Augusta, ME 04333



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Deanne M. Brutts  
Assistant Counsel  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105